

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES

vs.

Criminal No. 04-30032-MAP

FRANK KEOUGH, et al.,
Defendants

**DEFENDANT'S MOTION FOR SEVERANCE OF
DEFENDANTS KEOUGH & GUZMAN FOR TRIAL**

Now comes the Defendant, Francis Keough, in the above-captioned matter, and moves this Honorable Court, pursuant to Rule 14 of the Federal Rules of Criminal Procedure, to sever and require separate trials for the Defendants Keough and Guzman. As grounds therefor, the Defendant states:

1. Pursuant to Automatic Discovery, the Defendant Keough has been provided with a statement made by the Defendant Guzman to a Special Agent for the Federal Bureau of Investigations (a copy of said statement is attached hereto as Exhibit "A");
2. Said statement is inculpatory of the Defendant Keough, and in fact names the Defendant, Francis Keough;
3. Said statement would be admissible in evidence against the Defendant Guzman, but would not be admissible in evidence against the Defendant Keough, hence severance is compelled in the present case to avoid irreparable prejudice. Bruton v. United States, 391 U.S. 123 (1968); United States v. DiGreggio, 605 F.2d 1148 (1st Cir. 1979).

In further support thereof, the Defendant relies on his Memorandum of Law in Support of Defendant's Motion for Severance of Defendants Keough & Guzman for Trial.

Wherefore, by all of the above, the Defendant's Motion for Severance of Defendants Keough & Guzman for Trial must be allowed.

THE DEFENDANT,
FRANK KEOUGH

By: /s/ Daniel D. Kelly
Daniel D. Kelly, Esq.
101 State Street
Suite 715
Springfield, MA 01103
Tel.: (413) 733-0770
Fax: (413) 733-1245

CERTIFICATE OF SERVICE

I, Dan Kelly, Esq., hereby certify that I caused the foregoing document to be served upon the United States Attorney's Office at 1500 Main Street, Springfield, MA, by electronic service this 27th day of September, 2006.

/s/ Daniel D. Kelly
Daniel D. Kelly, Esq.
101 State Street
Suite 715
Springfield, MA 01103
Tel.: (413) 733-0770
Fax: (413) 733-1245